

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and JANE
DOE,

Plaintiff,

vs.

FATHER ERIC ENSEY, FATHER
CARLOS URRUTIGOITY, DIOCESE OF
SCRANTON, BISHOP JAMES C. TIMLIN,
THE SOCIETY OF ST. JOHN, THE
PRIESTLY FRATERNITY OF ST. PETER
and ST. GREGORY'S ACADEMY,

Defendant.

Case No.: 3 CV 02-0444

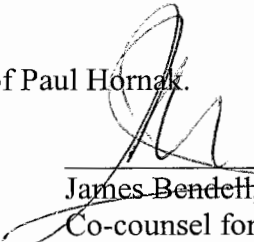
Judge: Hon. John E. Jones

**EXHIBITS SUBMITTED IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO THE MOTION FOR SUMMARY JUDGMENT
OF THE PRIESTLY FRATERNITY OF ST. PETER
AND ST. GREGORY'S ACADEMY**

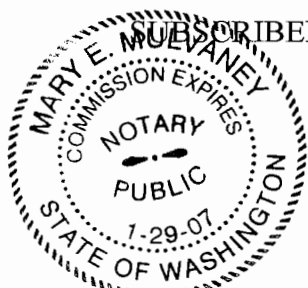
James Bendell, being first duly sworn states that the attached exhibits are true and correct copies of the following documents:

- AA. Pages of the deposition of Fr. Paul Carr.
- BB. Pages of the deposition of F.r Arnoud Devillers.
- CC. Pages of the deposition of Alan Hicks.
- DD. Pages from the 'Friends of the Society of St. John' website.
- EE. Pages of the deposition of Fr. Robert Oppenheimer.
- FF. Pages of the deposition of Joseph Sciambra.

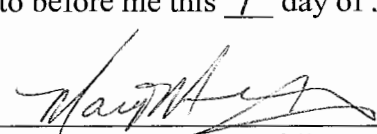
GG. Pages of the deposition of Paul Hornak.


James Bendell, WSBA # 20820

Co-counsel for plaintiffs



SUBSCRIBED AND SWORN to before me this 7th day of July, 2004.


NOTARY PUBLIC residing at Port Townsend, WA
My commission expires 1-29-07

I certify that I caused a true copy of this pleading
to be sent my electronic mail to Joseph Leeson,
Joseph O'Brien on Sal Cognetti on 7/18, 2004.

JOHN DOE, JOHN DOE, SR., :IN THE UNITED STATES DISTRICT
and JANE DOE, Plaintiffs, FOR THE MIDDLE DISTRICT OF PA

VS

FATHER ERIC ENSEY, FATHER
CARLOS URRUTIGOITY, DIOCESE
OF SCRANTON, BISHOP C.
TIMLIN, THE SOCIETY OF ST.
JOHN, THE PRIESTLY FRATERNITY
OF ST. PETER, and ST.
GREGORY'S ACADEMY,

Defendants. :NO. 2000 CIVIL 2961

TRANSCRIPT OF DEPOSITION OF

FATHER PAUL CARR, a witness of lawful age, taken on behalf
of the plaintiffs in the above-entitled cause, wherein
John Doe, et al, are the plaintiffs and Father Eric Ensey,
et al, are the defendants, pending in the District Court
of the United States for the Middle District of
Pennsylvania, pursuant to notice, before Neil A. Helfant,
a notary public in and for the County of Lackawanna, at
the business offices of the Lackawanna County Bar
Association, 338 North Washington Avenue, Scranton,
Pennsylvania, on the 20th day of August, 2003, commencing
at 9:21 a.m. and concluding at 10:45 a.m., of said day.

NEIL A. HELFANT REPORTING SERVICE - 570-586-0346

STIPULATION

It is hereby stipulated by and between counsel for
the respective parties that sealing, certification, and
filing are waived.

It is further stipulated by and between counsel for
the respective parties that all objections, except to the
form of the questions, are reserved to the time of trial.

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APPEARANCES:

FOR THE PLAINTIFFS: JAMES BENDELL, ESQUIRE
HARRY COLEMAN, ESQUIRE

FOR DEFTS. ENSEY/
URRUTIGOITY/ST. JOHN: SAL COGNETTI, ESQUIRE

FOR DEFTS. DIOCESE OF
SCRANTON/BISHOP TIMLIN: JOSEPH O'BRIEN, ESQUIRE
JAMES O'BRIEN, ESQUIRE

FOR DEFTS. FRATERNITY OF ST.
PETER/ST. GREGORY'S ACADEMY: JOSEPH LEBSON, ESQUIRE
JOSEPH GAUGHAN, ESQUIRE



1 FATHER PAUL CARR, St. Peter's
2 House, Griffin Road, Elmhurst, Pennsylvania, a
3 witness called by the plaintiffs, being first duly
4 sworn, was examined and testified as follows:
5 EXAMINATION BY MR. BENDELL:
6 Q Good morning, Father Carr.
7 A Good morning.
8 Q Have you ever had your deposition taken
9 before?
10 A No.
11 Q Have you ever been to a deposition before?
12 A No.
13 Q What a deposition is is a procedure whereby
14 the attorneys in a case can ask questions of witnesses, so
15 they can prepare for trial. The testimony is subject to
16 all the formality of in-court testimony, such as the fact
17 that it's given under oath, subject to the penalty of
18 perjury for false answer. The testimony is then typed up
19 by the court reporter, who is electronically taking it
20 down and, in some instances, the deposition is actually
21 played or read to the jury at trial. So it's important
22 that we're accurate in every respect.
23 If I confuse you with a question, please let me
24 know, I'll try to rephrase it.
25 A Okay.

3

1 Q Feel free to take your time. I'm going to
2 try to go as quickly as possible. But if you need a
3 break, glass of water or something, just let me know.
4 Father, where do you currently reside?
5 A St. Peter's House in Elmhurst.
6 Q Are you affiliated with a particular
7 religious order?
8 A Yes.
9 Q What is that order?
10 A The Priestly Fraternity of St. Peter.
11 Q How long have you been affiliated with The
12 Fraternity?
13 A Since 1995.
14 Q Where were you born?
15 A Manchester, England.
16 Q What was your date of birth?
17 A 19/11/60. Or 11/19/60, American.
18 Q What is your Social Security number?
19 A I'd have to get out of my card. I don't know
20 it by heart.
21 Q We'll do it during a break, how's that? What
22 is your citizenship status in the United States?
23 A I have a green card.
24 Q Was there ever a time that you were a
25 chaplain at St. Gregory's Academy?

4

1 A Yes.
2 Q When was that?
3 A The academic years from September, 1995 to
4 spring 1998, three academic years.
5 Q After 1998, were you transferred to a
6 different position?
7 A Yes.
8 Q What was that position?
9 A Teaching at Our Lady of Guadalupe Seminary.
10 Q That is in what state?
11 A That was also in Pennsylvania at that time.
12 Q How long did that position last?
13 A One year.
14 Q Then after that, where were you transferred?
15 A They sent me to do studies in Rome, to get a
16 degree to return to continue teaching at the Seminary.
17 Q Did you get a degree?
18 A No. After one year, there were elections for
19 assignments in The Fraternity, and I was sent back to this
20 country as District Superior.
21 Q When were you made District Superior?
22 A September, 2000.
23 Q How long did you act as District Superior?
24 A Up to one week ago. That was the end of the
25 three-year term of office.

5

1 Q Who's the new District Superior?
2 A Father George Gabet, G-a-b-e-t.
3 Q Is he residing in the United States at this
4 time?
5 A He's at St. Peter's House, also.
6 Q What were your duties as a chaplain at St.
7 Gregory's Academy?
8 A I took care of the sacramental and spiritual
9 welfare of the students, taught the religion classes.
10 Q Did you have occasion to observe priests of
11 The Society of St. John?
12 A While they were resident there, yes.
13 Q So some of the period of time that you were
14 chaplain, they were also residing at St. Gregory's
15 Academy?
16 A That's correct.
17 Q That was which building?
18 A St. Peter's House.
19 Q St. Peter's House. Do you remember what year
20 The Society of St. John priests were made chaplains at the
21 Academy?
22 A That would be the year I left, so the
23 academic year 1998 to 1999.
24 Q Do you know if anyone at The Fraternity of
25 St. Peter objected to The Society of St. John priests

6

1 becoming chaplains?
2 A I'm not aware of it.
3 Q Did you ever hear any reports or rumors that
4 Father Urrutigoity was sleeping in bed with boys at the
5 Society of--at the St. Gregory's Academy?
6 A No.
7 Q You never heard that?
8 A Never once.
9 Q To this day even?
10 A The only time I've ever heard of it is from
11 the e-mails that Jeffrey Bond has circulated.
12 Q Have you ever communicated with any priests
13 of The Society of Pius the Tenth--
14 A Can you clarify that?
15 Q --in formal conversations, phone calls,
16 letters? Did you ever meet a priest from The Society--
17 A I was a member of The Society of St. Pius the
18 Tenth myself until--
19 Q Okay.
20 A --1994.
21 Q Did any priests of The Society of Pius the
22 Tenth tell you that Father Urrutigoity was a homosexual?
23 A No.
24 Q Did you ever hear the expression "sleeping
25 sickness" with regard to Father Urrutigoity--

7

JOHN DOE, JOHN DOE, SR., : IN THE UNITED STATES DISTRICT
and JANE DOE, :
Plaintiffs : FOR THE MIDDLE DISTRICT OF PA

vs :

FATHER ERIC ERSEY, FATHER : CIVIL ACTION - LAW
CARLOS URRUTIGOTTY, DIOCESE :
OF SCRANTON, BISHOP C. :
TIMLIN, THE SOCIETY OF ST. :
JOHN, THE PRIESTLY :
FRATERNITY OF ST. PETER, :
and ST. GREGORY'S ACADEMY, :
Defendants : No. 2000-CIVIL-2361

TRANSCRIPT OF DEPOSITION of FATHER ARNAUD
DEVILLERS, as taken on behalf of the PLAINTIFFS, pursuant
to notice, before Gloria Anzalone, a certified shorthand
reporter in and for the County of Lackawanna, Commonwealth
of Pennsylvania, at the law office at 148 Adams Avenue,
Scranton, PA 18503, on the 11th day of November, 2003,
commencing at 9:15 a.m. and concluding at 10:20 a.m., of
said day.

NELL A. HELPANT REPORTING SERVICE 570-586-0346

APPEARANCES:

FOR THE PLAINTIFFS: JAMES BENDELL, ESQUIRE
FOR DEFENDANTS ERSEY: SAL COGNETTI, ESQUIRE
AND URRUTIGOTTY/ VINCENT S. CIMINI, ESQUIRE
SOCIETY OF ST. JOHN
FOR DEFENDANTS: JAMES O'BRIEN, ESQUIRE
DIOCESE OF SCRANTON/
BISHOP TIMLIN
FOR DEFENDANTS: JOSEPH LEESON, ESQUIRE
FRATERNITY OF ST. JOSEPH GAUGHAN, ESQUIRE
PETER/ST. GREGORY'S
ACADEMY

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No questions by Mr. Cimini
No questions by Mr. James O'Brien
No questions by Mr. Leeson
No questions by Mr. Gaughan

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STIPULATION

It is hereby stipulated by and between
counsel for the respective parties that reading,
signing, sealing, certification and filing are not
waived.

It is further stipulated by and between
counsel for the respective parties that all
objections, except to the form of the questions, are
reserved to the time of trial.

FATHER ARNAUD DEVILLERS, called as a
witness, having been first duly sworn, was
examined and testified as follows:

EXAMINATION

BY MR. BENDELL:

Q Good morning, Father. Let me begin by
asking if you've ever been to a deposition before?

A No, I've never been.

Q Well, what this is, it's a procedure
used in American courts in civil litigation wherein
the attorneys can ask questions of witnesses in order
to prepare for trial. The testimony is given under
oath subject to the penalty of perjury for false
answer just as if it was in-court testimony.

So if I ask you a question which is

3

confusing, let me know, I'll try to rephrase it. If
you don't know the answer, don't guess. And if you
need to pause, take a break, a glass of water, just
let us know, all right?

MR. LEESON: We're going to have
him read and sign.

MR. COGNETTI: And I don't know
what, if this is a perpetual deposition or
this is a discovery deposition, but I'm
going to treat it as a perpetual deposition
and I'll make the objections.

MR. BENDELL: First of all as I
indicated earlier this week, I'm
stipulating that all these depositions this
week are discovery depositions and this one
itself was never even noticed up as a
perpetuation. It's just plain vanilla
deposition.

BY MR. BENDELL:

Q Father, what is your date of birth?

A 2nd of February, 1959.

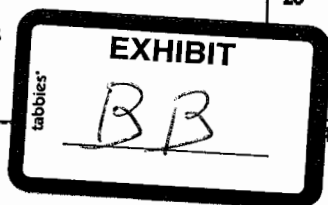
Q Where were you born?

A I was born in France.

Q What city?

A La-Celle-Saiad-Cloud.

4



1 high school, for boys, and the project took place in
 2 that year in 1993.
 3 Q Were you at all involved in the
 4 decision to make the Society of Saint John priests
 chaplain at the school?
 5 A Yes, I was.
 6 Q Could you explain your involvement.
 7 A Well, since once again I was district
 8 superior of the Fraternity at the time, I, you know,
 9 we were short of priests, the Fraternity of Saint
 10 Peter was short of priests. Therefore, we ask the
 11 Society of Saint John was residing in the building
 12 already, if they could provide a priest to me.
 13 Q What building?
 14 A The building of Saint Gregory's
 15 Academy. If they could provide a priest to be
 16 chaplain of the school.
 17 Q And who did you make that request to?
 18 A Well, I ask the superior.
 19 Q That was?
 20 A I believe at the time it was Father
 21 Fullerton but I couldn't swear it. It was either
 22 Father Fullerton or Father Urrutigoity.
 23 Q Well, if the Society priests at that
 24 time were not yet chaplains, why were they residing

9

In the Saint Gregory's building?
 2 A Because they had no place to reside in
 3 the Diocese. The Bishop invited them in the Diocese
 4 and since they had no place to reside we offer them
 5 some accommodation which was used before by, on house
 6 formation.
 7 Q Now before allowing them to stay there,
 8 did you, did the Fraternity make any investigation of
 9 the background of these priests?
 10 A I did ask around but the priests
 11 knew --
 12 Q Who did you ask?
 13 A Well, the priests -- well, the priests
 14 of the Society of Saint Pious X.
 15 Q Could you remember who you asked, which
 16 of those priests?
 17 A One of them is my brother who is a
 18 priest of the Society of Saint Pious X.
 19 Q Was he still with the Society at that
 20 time?
 21 A Yes, he still is.
 22 Q And who else did you ask?
 23 A I think, well, I can't remember really
 24 right now, but there was a number of people we check.
 25 We did not feel like we, I didn't feel like I should

10

1 do an official request to the Society of Saint Pious
 2 X because first of all I was not sure I would get an
 3 answer; secondly, since they were not joining the
 4 Fraternity of Saint Peter I was not the one to do
 5 this research.
 6 Q Did the Fraternity of Saint Peter do
 7 any additional screening or any screening before they
 8 became chaplains at Saint Gregory's Academy?
 9 A I don't think we did, no.
 10 Q At some time in the future did you ask
 11 somebody to do some police background checks on the
 12 priests?
 13 A I did, I did.
 14 Q And when was that?
 15 A It was when the Diocese established a
 16 policy for this. It was in-between, I think it was
 17 at the end of the first year, the way residing the
 18 building before actually they became chaplain, one of
 19 them became chaplain here.
 20 Q And so what year would that be?
 21 A Before, gosh, I just can't remember
 22 which year was the first year here.
 23 Q You say it was at the end of the first
 24 year that they were chaplains?
 25 A Yes.

11

1 MR. COGNETTI: I object to that, I
 2 don't think he said it was the end of the
 3 first year they were chaplains --
 4 THE WITNESS: No, not at the end of
 5 the first year.
 6 MR. COGNETTI: The end of their
 7 first year and before they became
 8 chaplains.
 9 BY MR. BENDELL:
 10 Q This was before they became chaplains?
 11 A Yes.
 12 Q And who did you ask to do this police
 13 background check?
 14 A The headmaster of the school.
 15 Q And who was that?
 16 A Mr. Alan Hicks.
 17 Q And did he do any police background
 18 checks?
 19 A I asked him several times but I've
 20 never seen the actual criminal check.
 21 Q So you don't know if he ever did it?
 22 A No, because the policy of the Diocese
 23 said it was up to the headmaster to do that.
 24 Actually I, you know, gave him the information from
 25 the Diocese so that, you know, he would do that.

12

<p>1 Q Now at that time did you ask Mr. Hicks</p> <p>2 also to contact the seminary in Winona to check up on</p> <p>3 Father Urrutigoity?</p> <p>4 A No.</p> <p>Q Why is it that Mr. Hicks' contract was</p> <p>not renewed for Saint Gregory's Academy?</p> <p>7 MR. LEESON: Can I just go off the</p> <p>8 record for a moment.</p> <p>9 (Whereupon, a brief discussion was held off</p> <p>10 the record.)</p> <p>11 MR. BENDELL: While we were off</p> <p>12 record, there was a dialogue between myself</p> <p>13 and Mr. Leeson, counsel for the Fraternity.</p> <p>14 He is instructing this witness not to</p> <p>15 answer questions about the reasons for Mr.</p> <p>16 Hicks' termination. I'm not stipulating to</p> <p>17 that; however, what I will do is before I</p> <p>18 file any motions on it, if, Mr. Leeson, if</p> <p>19 you could just send me perhaps an affidavit</p> <p>20 or some document over the next couple of</p> <p>21 weeks and maybe they'll suffice and we</p> <p>22 won't have to bother. At least we'll try</p> <p>23 to do that.</p> <p>24 MR. LEESON: Let's see if we can</p> <p>25 resolve it at a subsequent date.</p> <p>13</p>	<p>1 Urrutigoity is a homosexual?</p> <p>2 A No.</p> <p>3 Q How about Father Ensey?</p> <p>4 A No.</p> <p>5 Q Did anybody tell you that Father</p> <p>6 Urrutigoity was attracted to boys sexually?</p> <p>7 A No.</p> <p>8 Q How about Father Ensey?</p> <p>9 A No.</p> <p>10 Q Did any parent complain to you, you</p> <p>11 personally, or to anybody at the Fraternity about the</p> <p>12 conduct of the Society of Saint John priests with</p> <p>13 regard to the Saint Gregory students?</p> <p>14 A I don't remember so; I don't remember</p> <p>15 so.</p> <p>16 Q Does the Fraternity still own Saint</p> <p>17 Gregory's Academy?</p> <p>18 MR. LEESON: Let me just object to</p> <p>19 the form of the question and the reason</p> <p>20 being is there's a separate ownership for</p> <p>21 the real estate and perhaps the school</p> <p>22 as an institution --</p> <p>23 MR. BENDELL: I'll withdraw the</p> <p>24 question and try to be more precise.</p> <p>25 BY MR. BENDELL:</p> <p>15</p>
<p>MR. BENDELL: That's a little too</p> <p>2 vague. Let's put it this way, at the</p> <p>3 present time I'm not stipulating to him not</p> <p>4 answering the question, but over the next</p> <p>5 couple of weeks you can talk me out of it.</p> <p>6 How's that?</p> <p>7 MR. LEESON: That's fine.</p> <p>8 BY MR. BENDELL:</p> <p>9 Q At any time that you were with the</p> <p>10 Society of Saint Pious X, did anybody tell you that</p> <p>11 Father Urrutigoity was a homosexual?</p> <p>12 A No.</p> <p>13 Q How about Father Ensey?</p> <p>14 A No.</p> <p>15 Q Subsequent to that time -- and you left</p> <p>16 the Society in 1989, right?</p> <p>17 A Yes.</p> <p>18 Q And then you joined the Fraternity?</p> <p>19 A Yes.</p> <p>20 Q So since joining the Fraternity, did</p> <p>21 anybody tell you that Father Urrutigoity was a</p> <p>homosexual?</p> <p>23 A No.</p> <p>24 Q To this day, which would be November</p> <p>25 11th of 2003, has anybody told you that Father</p> <p>14</p>	<p>1 Q Does the Fraternity still run Saint</p> <p>2 Gregory's Academy?</p> <p>3 A Yes, we do.</p> <p>4 Q In what entity is the land titled, do</p> <p>5 you know? Is it a corporation or something?</p> <p>6 A The land or the school itself?</p> <p>7 Q Well, let's start with the land.</p> <p>8 A Well the land currently belongs to the</p> <p>9 Diocese of Scranton.</p> <p>10 Q How about the school?</p> <p>11 A The school is an entity of the</p> <p>12 Fraternity of Saint Peter. It's actually not</p> <p>13 separated from the Fraternity.</p> <p>14 (Whereupon, a statement was produced and</p> <p>15 marked for identification as Exhibit No.</p> <p>16 1.)</p> <p>17 BY MR. BENDELL:</p> <p>18 Q Father, could you please read over</p> <p>19 Exhibit 1.</p> <p>20 A I have to read everything?</p> <p>21 Q It would be better if you read it over.</p> <p>22 Just take your time.</p> <p>23 A February 26th --</p> <p>24 Q No, no, you don't have to read it out</p> <p>25 loud, just read it to yourself.</p> <p>16</p>

JOHN DOE, JOHN DOE, SR., : IN THE UNITED STATES DISTRICT
and JANE DOE, :
Plaintiffs : FOR THE MIDDLE DISTRICT OF PA

VS :

FATHER ERIC ENSEY, FATHER : CIVIL ACTION - LAW
CARLOS URRUTIGOLTY, DIOCESE :
OF SCRANTON, BISHOP C. :
TIMLIN, THE SOCIETY OF ST. :
JOHN, THE PRIESTLY :
FRATERNITY OF ST. PETER, :
and ST. GREGORY'S ACADEMY, :
Defendants : No. 2000-CIVIL-2961

TRANSCRIPT OF DEPOSITION OF ALAN HICKS, as
taken on behalf of the PLAINTIFFS, pursuant to notice,
before Gloria Anselone, a certified shorthand reporter in
and for the County of Lackawanna, Commonwealth of
Pennsylvania, at the business offices of the Lackawanna
County Bar Association, 338 North Washington Avenue,
Scranton, PA 18503, on the 21st day of October, 2003,
commencing at 11:00 a.m. and concluding at 1:35 a.m., of
said day.

NEIL A. HELFANT REPORTING SERVICE 570-586-0346

APPEARANCES:

FOR THE PLAINTIFFS: JAMES BENDELL, ESQUIRE
FOR DEFENDANTS ENSEY: SAL COGNETTI, ESQUIRE
AND URRUTIGOLTY/
SOCIETY OF ST. JOHN
FOR DEFENDANTS: JOSEPH O'BRIEN, ESQUIRE
DIOCESE OF SCRANTON/ JAMES O'BRIEN, ESQUIRE
BISHOP TIMLIN
FOR DEFENDANTS: JOSEPH LEESON, ESQUIRE
FRATERNITY OF ST. JOSEPH GAUGHAN, ESQUIRE
PETER/ST. GREGORY'S
ACADEMY

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No questions by Mr. Leeson
No questions by Mr. Gaughan

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EXHIBIT

tabbies

CC

STIPULATION

It is hereby stipulated by and between
counsel for the respective parties that reading,
signing, sealing, certification and filing are
waived.

It is further stipulated by and between
counsel for the respective parties that all
objections, except to the form of the questions, are
reserved to the time of trial.

ALAN HICKS, called as a witness, having
been first duly sworn, was examined and testified
as follows:

EXAMINATION

BY MR. BENDELL:

Q Mr. Hicks, would you please tell us
your full name.

A Alan J. Hicks.

Q What is your birth date?

A July 19th, 1953.

Q What is your social security number?

A 515-56-7867.

Q Have you ever been to a deposition
before?

A I have not.

3

Q Basically these are procedures where
the lawyers in a case to prepare for trial ask
questions of witnesses subject to all the formalities
of in-court testimony such as the fact that it's
given under oath subject to the penalty of perjury
for false answer. It takes place before a licensed
court reporter who then transcribes it into a bound,
written form which you are free to review and make
any corrections you feel are necessary. So if I
confuse you with any questions, let me know, I'll try
to rephrase it. If you don't know the answer to
something, don't guess, just tell us you don't know,
all right?

A Can I ask any questions now prior to
proceeding?

Q Fine.

A What if there are questions that I
don't think are appropriate, I mean do I have the
right not to answer?

Q Well, here's the way it works, and, of
course, I'm not your attorney so I'm just going to
give you my spin on it. There are some questions in
a trial that are objectionable because the jury
shouldn't hear them. If something is hearsay, if
there is, if the question is leading, so forth and so

4

1 made any inquiry as to the fitness of these priests
 2 to be chaplains?
 3 A I'm not aware of any.
 4 Q Do you know if he ordered or requested
 any background checks on these priests?
 A I'm not aware of any, any requests for
 7 that.
 8 Q Did you make any inquiries on your own
 9 in that regard?
 10 A No, I did not.
 11 Q Did you feel it was not necessary?
 12 A I just didn't think about it.
 13 Q Well, had there been other chaplains at
 14 Saint Gregory's Academy when you were headmaster?
 15 A Yes.
 16 Q Let's start with the first one.
 17 A The first chaplain was Father James
 18 Jackson.
 19 Q Where is he now?
 20 A He's the rector of Our Lady of
 21 Guadeloupe Seminary in Denton, Nebraska.
 22 Q Now, was he already a priest there as
 23 chaplain when you came?
 24 A No, I mean I came at the very beginning
 25 and he came at the same time.

17

Q Do you know if any inquiry or check on
 2 his background was done before he was made chaplain?
 3 A I know of no inquiry.
 4 Q When did his position, when did his job
 5 end there?
 6 A Father Jackson was transferred sometime
 7 in, I believe it was January of 1994 because it was
 8 in the middle of the first school year.
 9 Q Now, did Father Jackson live at the
 10 academy?
 11 A He did.
 12 Q And did he live in the same residence
 13 where the boys were living?
 14 A He lived in a separate apartment in the
 15 academy building.
 16 Q Who was the next chaplain?
 17 A The next chaplain was Father
 18 Cassavantes.
 19 Q And where is he now?
 20 A I believe he's in, well, he's in Texas,
 21 I'm not sure where in Texas. He was just recently
 transferred from Saint Michael's here in Scranton.
 Q And he was a fraternity priest, as
 24 well?
 25 A Yes.

18

1 Q Do you know if any background check was
 2 made of him?
 3 A I know of no background check.
 4 Q Did you ever discuss with Father
 5 Devillers or anybody else at the Fraternity of Saint
 6 Peter the issue of whether background checks should
 7 be done on these priests before they become
 8 chaplains?
 9 A No.
 10 Q Did the Saint Gregory's Academy do
 11 background checks on other employees that they hired?
 12 A By background checks what do you mean?
 13 Q Let's assume you're going to hire a
 14 janitor for Saint Gregory's Academy, you know, find
 15 out if he's ever been convicted of a crime, any
 16 complaints at his prior job, that sort of thing.
 17 A I would check out a former employment
 18 or, you know, talk to people who knew them. I would
 19 get letters of recommendation, that sort of thing.
 20 Q And you do that for all other employees
 21 except the chaplains?
 22 A I wasn't involved in the hiring of
 23 chaplains or the appointment of chaplains and they
 24 really, that was not really a position that was under
 25 me. That was something that was completely a

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1 fraternity decision.
 2 Q But with regard to the other employees,
 3 you did those inquiries?
 4 A Well, I would do the sort of inquiries
 5 that I just mentioned.
 6 Q How about a criminal check?
 7 A I didn't do criminal background checks
 8 until, we began doing that, well, it would have been
 9 2002, the beginning of 2002, or maybe it was when Joe
 10 Gaughan, the attorney for the Fraternity, had a
 11 meeting with us and told us that that was something
 12 that we needed to do.
 13 Q And that is now done of all employees
 14 at Saint Gregory's Academy, new employees?
 15 A I'm not the headmaster there now.
 16 Q As of the last time you were there in
 17 May.
 18 A Yes, it had been done.
 19 Q How about already existing employees?
 20 A When Mr. Gaughan told us that we had
 21 to, that these were required, then we did those for
 22 all the employees, existing current employees.
 23 Q Now when did the third chaplain come
 24 into Saint Gregory's Academy?
 25 A Well, let me think. Father Cassavantes

20

...and Father Carr and I cannot, you know, or difficulties that were escalating. And at that time I informed him of my meeting with this -- it was a letter addressed to Father Carr but I also copied it to Father Devillers.

I told him that there were issues that Father Carr had been bringing up for the past several months relating to facilities management and that we had put together a Board of Advisors to help to advise us in some of these matters and to help to give us some guidance in this kind of escalating issue regarding the Society of Saint John. So I guess he had been informed, that was the first time he was informed, beginning January 2002. We met with them at the very end of 2001.

Q Now did Father Devillers write back to you in response to that letter?

A No, he did not.

Q This Board of Advisors, is that the same one that you have now for, you called it Saint Gregory Institute?

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A Saint Gregory the Great Foundation.

Q Foundation.

A There are some members of that Board of Advisors who are on this Board of Directors of this foundation.

Q Did you ever ask Dr. Bond to write a letter to Father Devillers about the subject?

A About?

Q The subject of alleged misconduct with boys of Saint Gregory's Academy, the Society of Saint John priests.

A I don't remember asking Jeff to write to Father Devillers.

Q Were you present at a meeting that took place just before Christmas in 2001 where there was a director of the Fraternity of Saint Peter -- director of development rather, and other officials?

A Would you repeat that.

Q Yes. It would be a meeting around Christmas of 2001 you were there and also some officials associated with the Fraternity of Saint Peter including the Fraternity of Saint Peter's director of development.

A Yes.

Q At that meeting did Father Carr tell

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not remember ever being asked. He said, he said this: Father Devillers asked you to get background checks on the Society of Saint John. We would like to have copies of those.

Q But there were no background checks?

A There were no background checks. And I said that I do not remember Father Devillers ever asking me to get background checks on the Society of Saint John. Police background checks.

Q Do you remember a memo from a person named John Victoria being discussed at that meeting?

A Well, there were a series of memos from John Victoria and replies by me to John Victoria; all of those were discussed.

Q You made written replies to John Victoria?

A Yes.

Q Who is John Victoria?

A John Victoria was at that time the business manager of the Fraternity of Saint Peter.

Q And those memos regarded, dealt with

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the issue rather, the issue of liability, is that correct?

A Well --

MR. LEESON: I'm going to object, here's the reason why. It's my understanding that the purpose of this meeting was for people gathered to receive legal advice from Attorney Gaughan who was present at that meeting. The questions you asked so far and the answers solicited are something that we've already been over in the deposition earlier. But now we're starting to get into the area where they were receiving legal advice from another attorney.

MR. BENDELL: That's fair enough; that's fair enough. I won't pursue that.

MR. BENDELL: So you would object to any questions or any discussion of anybody at that meeting regarding the issue of liability because the attorney is present?

MR. LEESON: Um-hum.

MR. BENDELL: That was a yes?

MR. LEESON: Yes.

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1 Q Did Father Devillers express any
 2 unhappiness with the performance of Father Carr to
 3 you?
 4 A From what I remember he just said that
 5 Father Carr had problems, you know, he said
 6 everywhere he had been.
 7 Q Now you mentioned before --
 8 A Getting along with people.
 9 Q You mentioned before that this panel,
 10 that you talked to this panel in Kansas. I guess
 11 everybody flew there to Kansas for this meeting, this
 12 advisory --
 13 A Right.
 14 Q And one of the folks on the panel was a
 15 judge?
 16 A Right.
 17 Q Do you remember if the judge told you
 18 that based upon his knowledge of sex abuse cases that
 19 he saw a disturbing pattern in the way the Society of
 20 Saint John priests related to the boys of Saint
 21 Gregory's Academy?
 22 A I think he said something to that
 23 effect but I don't remember, you know, really the
 24 detail of what he said.
 25 Q Did you ever talk to an Abbot Forgeot

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about the Society of Saint John?

2 A No.
 3 Q Did the Board advise you to try to get
 4 Saint Gregory's Academy to separate from the Society
 5 of Saint John?
 6 A We weren't -- we weren't in any way
 7 connected with them. There could have been no way --
 8 Q They already left to go to Shohola you
 9 mean?
 10 A Yes.
 11 Q Did you ever allow seniors to drink on
 12 graduation night at the Society of Saint John?
 13 A Say that -- would you repeat that,
 14 please.
 15 Q Did you ever allow seniors to drink
 16 alcohol on graduation night?
 17 A No. I mean I never told them that it
 18 was all right for them to drink; I never gave them
 19 permission to drink.
 20 Q Do you know if they drank graduation
 21 night?
 22 A Do I know if the seniors drank
 23 graduation night? Well, I know that there were times
 24 when the graduated seniors, you know, would have a
 25 party afterwards. I think we had made it very clear

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1 that they were not to do this on Saint Gregory's
 2 property, but at that point they're no longer our
 3 students. And so, you know, we told them, and
 4 sometimes the students would stay though and stay at
 5 the academy because perhaps there might be a little
 6 lag time between their graduation and their ability
 7 to go home. Some of them had little brothers who
 8 still had a week of school so sometimes they would
 9 get permission to stay.
 10 But we made it very clear that the
 11 rules of Saint Gregory's were that you cannot drink
 12 at Saint Gregory's Academy. So if you are even a
 13 graduated senior, you are not to drink at Saint
 14 Gregory's Academy. But I wasn't going to try to seek
 15 out where these seniors might go to have a beer.
 16 They were technically no longer my students. But it
 17 was fairly clear to everyone and to the students that
 18 they were not to, I mean it was made clear to them
 19 that they were not to drink while at Saint Gregory's
 20 Academy even with their, you know, regardless of the
 21 circumstances.
 22 Q Are you familiar with a person by the
 23 name of Joseph Sauve?
 24 A Joseph Sauve.
 25 Q Sauve. And who is he?

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1 A He is the parent of two boys who
 2 graduated at the academy.
 3 Q And he took some Saint Gregory students
 4 on a trip to Canada, is that right? Hockey trip?
 5 A Gosh, I don't remember him taking, I
 6 mean he was one of the Canadian students, I mean one
 7 of the Canadian parents from Ottawa, and they would,
 8 you know, carpool in vans, you know? I mean we
 9 always had a significant number of boys from Ottawa
 10 and so the Suaves or the Mountains or the McCluskeys,
 11 they're all these different families, that they would
 12 come and pick up the Canadian boys and take them up
 13 to Canada, up to their homes there.
 14 Q Did Diane Suave tell you or warn you
 15 that her husband was an active homosexual and a
 16 danger to the boys?
 17 A Well, she never said that.
 18 Q What did she say?
 19 A She said that she found some
 20 pornography, that she expressed concern about it,
 21 that she was, you know, that she thought I should be
 22 aware of this.
 23 Q But you didn't stop the boys from going
 24 on trips with Mr. Suave?
 25 A Well, I don't think that he was, ever

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1 took the boys on -- okay. Following that there was
2 one time that the boys were given permission to go
3 with Mr. Suave, okay?

4 Q Now the pornography that you talked
5 about, was this homosexual pornography?

MR. LEESON: Objection. Jim,
7 can I ask you a question?

8 MR. BENDELL: You can make an
9 objection.

10 MR. LEESON: It's both an objection
11 and a question. This does not involve your
12 client; this does not involve the Society
13 of Saint John --

14 MR. BENDELL: Objection as to
15 relevance, right?

16 MR. LEESON: It's objection to
17 relevance. I mean are we going to spend a
18 lot of time on things that --

19 MR. BENDELL: Nope, not a lot of
20 time. This is just one question.

21 BY MR. BENDELL:

22 Q The pornography was homosexual
23 pornography, right?

24 A I'm hesitating because I'm trying to
25 remember exactly what she said. Yes, I believe

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that's what it was that she said.

2 Q Did any parents complain to you about
3 hazing at the Saint Gregory's Academy?

4 A Well, I mean excuse me for my -- if you
5 ever run a boys' school you'll understand, I mean,
6 when you've got, you know -- yes. Let's put it this
7 way: I had boys who were sometimes, you know,
8 bullied by other boys or sometimes, you know, even
9 just goofing around and it gets out of hand and, you
10 know, parents of boys who were bullied or in any way
11 hurt by another boy would complain. Yes, sure.

12 Q Do you know of a former priest by the
13 name of Paul Margand, or laitized priest I should
14 say, who visited Saint Gregory's Academy?

15 A Well, we would have priests sometimes
16 come and visit. Where is he from?

17 Q I think it's Nebraska. Well, let me
18 ask you this: Were there any restrictions on who you
19 allowed the Society of Saint John priests to have as
20 guests while they were residing at the academy?

21 A Was this a guest at the Society of
22 Saint John?

23 Q That's my understanding.

24 A I don't remember any Paul Margand who
25 was a guest of the Society of Saint John.

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1 Q Getting to my next question to you,
2 were there any restrictions on who the Society of
3 Saint John priests could invite as guests while they
4 were residing at the academy?

5 A No, none that I was -- I mean I didn't
6 make any restrictions and I don't know that the
7 fraternity did. I mean I don't know that they
8 didn't, but I don't remember there ever being a
9 specific restriction as to guests that they could
10 have visit them and I don't remember this priest as a
11 guest at the Society of Saint John.

12 Q At some point did you announce a policy
13 that there was to be no visitation whatsoever between
14 Society of Saint John priests and boys of the Saint
15 Gregory's Academy even after they went to Shohola?

16 A Yes. Yes, after, you know, these --
17 there was sometime in the fall of 2001 when these
18 rumors were swirling around and Jeff Bond started
19 releasing these E-mails. At that time Father Carr
20 told Howard Clark and I that he had spoken with the
21 bishop, with Bishop Dougherty, and that it was Bishop
22 Dougherty's desire or statement that the academy
23 students should not have contact or should not go
24 over to Shohola, and Father Carr wanted me to
25 announce that.

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1 Q And you did?

2 A Not in those words.

3 Q But in other words, similar words?

4 A Yes, I mean getting the idea across
5 clearly that they were not supposed to, you know, be
6 going over. They shouldn't be asking to go over
7 there; they had their work to do and we had ours and
8 we didn't want -- something like that.

9 Q Did you know Paul McCleary?

10 A Yes.

11 Q Was he at one point a member of the
12 Society of Saint John?

13 A Yes.

14 Q And did you invite him afterwards to
15 teach at Saint Gregory's Academy?

16 A Yes.

17 Q And this would be after this
18 announcement that you made at the request of Father
19 Carr?

20 A Yes.

21 Q Did he formally renounce his membership
22 in the Society of Saint John? I'm talking about
23 Father Paul McCleary now.

24 A How do you formally renounce?

25 Q I don't know, here's my question --

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FRIENDS OF THE SOCIETY OF ST. JOHN

Diocese diligently responds to abuse allegations

When a Scranton Times column by Dr. Jeffrey Bond is entitled, "Bishop fails to meet duty in abuse cases," I feel I owe a response to the people of the Diocese. The following facts should be kept in mind by anyone reading Dr. Bond's charges.

• The Society of Saint John, a clerical association of priests, lived at Saint Gregory's Academy, Elmhurst, from 1997 to 1999, and since then they have been located in Shohola, Pike County. At no time did I ever appoint any one of them to duties at the academy.

For almost a year and a half, Dr. Bond taught for and worked in association with the Society in Shohola. On Oct. 15, 2001, I denied Dr. Bond permission to found a Catholic College. I believed Dr. Bond's founding a college was a "hostile takeover" of the Society, given a contentious atmosphere and disputes regarding liturgy and institutional vision.

• Though not one word of complaint about the conduct of the priests of the Society ever came to me all the while Dr. Bond taught for them, unceasing complaints about these same priests have been made by Dr. Bond since I denied him permission to found a Catholic college.

• Upon hearing of Dr. Bond's initial objections to the conduct of priests of the Society of Saint John, I asked him if he was accusing any of these men of immoral sexual behavior.

He answered that he was not.

• About two months prior to Dr. Bond's campaign accusing the priests of misconduct, I had heard other allegations. I corrected the priests when I heard these complaints, insisting that their conduct must leave them above suspicions of even the appearance of wrongdoing. The priests complied.

• With the passage of time since Oct. 15, Dr. Bond made accusations of sexual misbehavior by these priests. The names of possible victims, however, he has steadfastly refused to turn over either to me or to law enforcement officials.

On Jan. 12 I received the name of one alleged victim of sexual abuse by certain priests of the Society of Saint John. Immediately, though unsuccessfully, I made a number of efforts to reach out to this alleged victim. I also immediately acted to relieve the accused priests of their duties. These accusations were reported by the diocese to the appropriate district attorney for investigation.

Both priests are undergoing professional evaluations. Every young person with whom the priests may have had contact at Saint Gregory's Academy has been approached by the diocese in order to see whether there may be other possible victims, or evidence corroborating the allegations.

When the present investigation by the district attorney is completed, its results will govern my decisions.

What Dr. Bond chooses to say or think about me, I will bear. With the help of God, I will do so with no ill will towards him or his collaborators.

BISHOP JAMES C. TIMLIN is head of the Roman Catholic Diocese of Scranton.



Bishop Timlin

Guest Columnist

Media propel smear campaign

BY THE REV. DOMINIC O'CONNOR / GUEST COLUMNIST

The recent allegations made in the public media regarding the Society of St. John are unsubstantiated, untrue and seek to portray a picture of the Society of Saint John and our beloved bishop which is totally false. This is causing great sadness and hurt not only to the Society of Saint John and the bishop, but more important, the Catholic Church.

This campaign to discredit the Society of Saint John began with a series of e-mails sent by Dr. Jeffrey Bond at the end of last September. This campaign coincided with the refusal of the bishop to sanction Dr. Bond's attempt to separate the College of St. Justin Martyr from the Society and establish it as an independent Catholic college. Bishop Timlin was adamant that the college remain affiliated with the Society of Saint John.

This campaign became a vicious attack of rumor, innuendo and threats. The accusations made by Dr. Bond are false. These false accusations soon became widely disseminated and this smear campaign has now reached the national press.

To date only one allegation has reached the hands of Bishop Timlin. It comes from the parents of a young adult who, himself, never has made an accusation and in refuses to talk with the bishop and confirm the allegation. The two

priests categorically deny these allegations of immorality.

Dr. Bond has applied intense pressure on the alumni of St. Gregory's Academy in order to manipulate them into giving damaging accusations. In fact, the Bishop has been inundated by testimony from the young men of Saint Gregory's denying any impropriety. Moreover, these young men are letting the Bishop know that their experience of the Society has led them to prayer, meditation and a deeper love of the church.

Contrary to recent press articles, there have never been charges against any member of the Society of Saint John in civil or ecclesiastical court. A few bitter and disenchanted critics seek to portray the Society and its mission as extravagant and luxurious. In fact the lifestyle of its members is simple and monastic. The Members of the Society of Saint John receive no salary; many sleep on the floor. The meals are plain and simple. Moreover, the Society's finances are regularly audited by a CPA and are overlooked by an independent financial advisory board.

The nature of these attacks in a situation where there has been no charge, no case, no lawsuit shows a reckless disregard for justice and truth and endangers the good reputation of the Church.

THE REV. DOMINIC O'CONNOR is director of the Society of Saint John.



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February 15, 2002

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